

AMENDED IN ASSEMBLY MAY 30, 2000

AMENDED IN ASSEMBLY MAY 2, 2000

AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 2733**

**Introduced by Assembly Member Wesson**

February 25, 2000

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An act to amend Section 51220.1 of the Education Code, to ~~amend Section 417.3 of the Penal Code,~~ and to amend Sections 11113 and 11219, ~~and 40000.15 of,~~ and to add ~~Section 13551.8 and 13351.9~~ *Sections 13210 and 13351.8* to, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2733, as amended, Wesson. Driving education and offenses: road rage.

(1) Existing law includes automobile driver education among the areas of study in grades 7 to 12, inclusive. Existing law also specifies the topics to be covered in an automobile driver education course.

This bill would further require that automobile driver education contain a component examining driver attitude and motivation that focuses on the reduction of future driving violations, with particular emphasis on aggressive driving behavior and behavior commonly known as "road rage". Because this provision would impose new duties on school districts, it would constitute a state-mandated local program.

(2) Existing law makes it a *misdemeanor or felony* for a person who, ~~except in self defense, in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway, to draw or exhibit any firearm, whether loaded or unloaded in a threatening manner against another person in a way as to cause a reasonable person apprehension or fear of bodily harm.~~

~~This bill would make it a misdemeanor for any person in the presence of any other person who is an occupant of a motor vehicle to draw or exhibit any deadly weapon whatsoever, other than a firearm, in a threatening manner while proceeding on a public street or a highway so as to cause a reasonable person apprehension or fear of bodily injury. Because this would create a new crime, the bill would impose a state-mandated local program.~~

~~The bill would also require the Department of Motor Vehicles to suspend the driving privilege of a person convicted of the existing felony offense for one year and to suspend the driving privilege of a person convicted of the proposed misdemeanor offense for 6 months commencing upon the release from confinement or imprisonment. Because clerks of the courts would be required by the bill to send abstracts of these convictions to the Department of Motor Vehicles, the bill would impose a state-mandated local program. to commit an assault upon the person of another with a deadly weapon or instrument, other than a firearm or by any means of abuse likely to produce great bodily injury.~~

~~This bill would authorize a court to order the suspension of the driving privilege of any operator of a motor vehicle who commits an assault on an operator or passenger of another motor vehicle, an operator of a bicycle, or a pedestrian and the offense occurs on a street. The bill would provide for a 4 month suspension for a first offense and a one year suspension for a second offense, which the department would be required to impose upon receipt of an abstract of conviction.~~

(3) Existing law authorizes the Director of Motor Vehicles to prescribe rules and regulations regarding the conduct of courses offered at driving schools and traffic violator schools.

This bill would require the director, in connection with the issuance of rules and regulations relating to driving schools

and traffic violator schools, to require, as a component of the curriculum, an examination of driver attitude and motivation that focuses on the reduction of future driving violations, with particular emphasis on aggressive driving behavior and behavior known as “road rage”.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51220.1 of the Education Code is  
2 amended to read:



1 51220.1. In addition to the requirements specified in  
2 subdivision (j) of Section 51220, automobile driver  
3 education shall be designed to develop a knowledge of  
4 the dangers involved in consuming alcohol or drugs in  
5 connection with the operation of a motor vehicle.  
6 Automobile driver education shall also contain a  
7 component examining driver attitude and motivation  
8 that focuses on the reduction of future driving violations,  
9 with particular emphasis on aggressive driving behavior  
10 and behavior commonly known as “road rage.”

11 ~~SEC. 2. Section 417.3 of the Penal Code is amended to~~  
12 ~~read:~~

13 ~~417.3. (a) Every person who, except in self defense,~~  
14 ~~in the presence of any other person who is an occupant~~  
15 ~~of a motor vehicle proceeding on a public street or~~  
16 ~~highway, draws or exhibits any firearm, whether loaded~~  
17 ~~or unloaded, in a threatening manner against another~~  
18 ~~person in such a way as to cause a reasonable person~~  
19 ~~apprehension or fear of bodily harm is guilty of a felony~~  
20 ~~punishable by imprisonment in the state prison for 16~~  
21 ~~months or two or three years or by imprisonment for 16~~  
22 ~~months or two or three years and a three thousand dollar~~  
23 ~~(\$3,000) fine.~~

24 ~~(b) (1) Every person who, except in self defense, in~~  
25 ~~the presence of any other person who is an occupant of~~  
26 ~~a motor vehicle proceeding on a public street or highway,~~  
27 ~~draws or exhibits any deadly weapon whatsoever, other~~  
28 ~~than a firearm, in a threatening manner against another~~  
29 ~~person in such a way as to cause a reasonable person~~  
30 ~~apprehension or fear of bodily harm is guilty of a~~  
31 ~~misdemeanor, punishable by imprisonment in county jail~~  
32 ~~for not less than two months.~~

33 ~~(2) The clerk of the court shall send a duly certified~~  
34 ~~abstract of the record of conviction pursuant to this~~  
35 ~~section to the Department of Motor Vehicles.~~

36 ~~(c) Nothing in this section shall preclude or prohibit~~  
37 ~~prosecution under any other statute.~~

38 ~~SEC. 3.~~

39 ~~SEC. 2. Section 11113 of the Vehicle Code is amended~~  
40 ~~to read:~~

1 11113. (a) The director may prescribe rules and  
2 regulations for driving schools regarding the conduct of  
3 courses of driver education and driver training, including  
4 curriculum, facilities, and equipment. The rules and  
5 regulations regarding curriculum shall require both of  
6 the following:

7 (1) A component relating to the dangers involved in  
8 consuming alcohol or drugs in connection with the  
9 operation of a motor vehicle.

10 (2) A component examining driver attitude and  
11 motivation that focuses on the reduction of future driving  
12 violations, with particular emphasis on aggressive driving  
13 behavior and behavior commonly known as “road rage.”

14 (b) The director may also prescribe rules and  
15 regulations for the conduct of driving instructor training  
16 courses required by Sections 11102.5 and 11104, including  
17 curriculum, facilities, and equipment. The department  
18 shall monitor instruction given by driving schools.

19 ~~SEC. 4.~~

20 SEC. 3. Section 11219 of the Vehicle Code is amended  
21 to read:

22 11219. The director may prescribe rules and  
23 regulations for traffic violator schools regarding the  
24 conduct of courses of education including curriculum,  
25 facilities, and equipment. The curriculum shall include,  
26 but not be limited to, a component examining driver  
27 attitude and motivation that focuses on the reduction of  
28 future driving violations, with particular emphasis on  
29 aggressive driving behavior and behavior commonly  
30 known as “road rage.” The director may also prescribe  
31 rules and regulations for the conduct of instructor  
32 training courses.

33 SEC. 4. Section 13210 is added to the Vehicle Code, to  
34 read:

35 13210. In addition to the penalties set forth in  
36 subdivision (a) of Section 245 of the Penal Code, the court  
37 may order the suspension of the driving privilege of any  
38 operator of a motor vehicle who commits an assault as  
39 described in subdivision (a) of Section 245 of the Penal  
40 Code on an operator or passenger of another motor

1 vehicle, an operator of a bicycle, or a pedestrian and the  
2 offense occurs on a street. The suspension period  
3 authorized under this section for an assault commonly  
4 known as "road rage," shall be four months for a first  
5 offense and one year for a second or subsequent offense  
6 commencing upon the person's release from  
7 confinement or imprisonment.

8 SEC. 5. Section 13351.8 is added to the Vehicle Code,  
9 to read:

10 13351.8. Upon receipt of a duly certified abstract of  
11 the record of any court showing that a ~~person has been~~  
12 ~~convicted of a felony for a violation of subdivision (a) of~~  
13 ~~Section 417.3 of the Penal Code on or after January 1,~~  
14 ~~2001, the court has ordered the suspension of a driver's~~  
15 ~~license pursuant to Section 13210, on or after January 1,~~  
16 ~~2001, the department shall suspend the person's driving~~  
17 ~~privilege for one year in accordance with that suspension~~  
18 ~~order commencing upon the person's release from~~  
19 ~~confinement or imprisonment.~~

20 ~~SEC. 6. Section 13351.9 is added to the Vehicle Code,~~  
21 ~~to read:~~

22 ~~13351.9. Upon receipt of a duly certified abstract of~~  
23 ~~the record of any court showing that a person has been~~  
24 ~~convicted of a misdemeanor for a violation of subdivision~~  
25 ~~(b) of Section 417.3 of the Penal Code, the department~~  
26 ~~shall suspend the person's driving privilege for six months~~  
27 ~~commencing upon the person's release from~~  
28 ~~confinement.~~

29 ~~SEC. 7. Section 40000.15 of the Vehicle Code is~~  
30 ~~amended to read:~~

31 ~~40000.15. A violation of any of the following provisions~~  
32 ~~shall constitute a misdemeanor, and not an infraction:~~

33 ~~Sections 23103 and 23104, relating to reckless driving.~~

34 ~~Section 23109, relating to speed contests or exhibitions.~~

35 ~~Subdivision (a) of Section 23110, relating to throwing~~  
36 ~~at vehicles.~~

37 ~~Section 23152, relating to driving under the influence.~~

38 ~~Subdivision (b) of Section 23222, relating to possession~~  
39 ~~of marijuana.~~

~~Subdivision (a) or (b) of Section 23224, relating to persons under 21 years of age knowingly driving, or being a passenger in, a motor vehicle carrying any alcoholic beverage.~~

~~Section 23253, relating to officers on vehicular crossings.~~

~~Section 23332, relating to trespassing.~~

~~Section 24011.3, relating to vehicle bumper strength notices.~~

~~Section 27150.1, relating to sale of exhaust systems.~~

~~Section 27362, relating to child passenger seat restraints.~~

~~Section 28050, relating to true mileage driven.~~

~~Section 28050.5, relating to nonfunctional odometers.~~

~~Section 28051, relating to resetting odometers.~~

~~Section 28051.5, relating to devices to reset odometers.~~

~~Subdivision (d) of Section 28150, relating to possessing four or more jamming devices.~~

~~SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates~~

1 *determines that this act contains costs mandated by the*  
2 *state, reimbursement to local agencies and school*  
3 *districts for those costs shall be made pursuant to Part 7*  
4 *(commencing with Section 17500) of Division 4 of Title*  
5 *2 of the Government Code. If the statewide cost of the*  
6 *claim for reimbursement does not exceed one million*  
7 *dollars (\$1,000,000), reimbursement shall be made from*  
8 *the State Mandates Claims Fund.*

